

Judge Marsha Pechman

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT
29635 11th AVENUE SW, FEDERAL
WAY, WASHINGTON, 98023, its
Buildings, Improvements, Appurtenances,
Fixtures, Attachments and Easements,

Defendant.

NO. C03-571P

AMENDED JUDGMENT OF
FORFEITURE

03-CV-00571-ORD

Plaintiff, United States of America, filed its Verified Complaint for Forfeiture of the real property located at 29635 11th Avenue SW, Federal Way, Washington, 98023 (defendant real property) on March 7, 2003, pursuant to Title 21, United States Code, Section 881(a)(7), for violations of Title 21, United States Code, Section 841(a)(1).

The defendant real property is more particularly described as:

Lots 4 and 5, Block 2, DeMARWOOD ADDITION TO KING COUNTY, according to the Plat thereof recorded in Volume 52 of Plats, Pages 4 and 5, records of King County, Washington,

EXCEPT that portion of Lot 4 lying West of a line beginning on the North line of said Lot 4 at a point 190.39 feet West of the Northeast corner thereof; THENCE South 15°29'39" West to the South line of Lot 4;

AND EXCEPT that portion of Lot 5 lying West of a line beginning on the South line of Lot 5, a distance South 89°2'17" East 140.82 feet from the Southwest corner;

JUDGMENT OF FORFEITURE - 1

(C03-571P) REAL PROPERTY LOCATED AT 29635 11th AVENUE SW

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 533-1970

1 THENCE North 15'29'8" East to the North line of said Lot 5 and
2 termination of said line.

3 Situate in the County of King, State of Washington.

4 On or about May 27, 2003, copies of the Verified Complaint for Forfeiture in rem,
5 Notice of Complaint for Forfeiture in rem, and Lis Pendens were served on Florence S.
6 Stone. The return of service has been filed with the Court.

7 On or about August 8, 2003, copies of the Verified Complaint for Forfeiture in
8 rem, Notice of Complaint for Forfeiture in rem, and Lis Pendens were served on Lisa
9 Hinkle. The return of service has been filed with the Court.

10 Notice of the forfeiture action was published in The Daily Journal of Commerce on
11 April 9, April 16 and April 23, 2003. All interested persons were advised to file their
12 claims pursuant to Supplemental Rule C(6) of the Federal Rules of Civil Procedure with
13 the Clerk of the Court within thirty (30) days after the date of the publication and to serve
14 their Answers to the Complaint within twenty (20) days after the filing of a claim.

15 On or about May 9, 2003, claimant Florence S. Stone, through counsel Timothy
16 Hickel, filed a timely Verified Statement of Florence S. Stone re: Secured Claim Against
17 the Property. On or about May 23, 2003, Florence Stone filed an Answer of Secured
18 Creditor.

19 On September 25, 2003, Plaintiff filed an Application for Order of Default, with
20 accompanying Affidavit of Assistant United States Attorney Richard E. Cohen, against
21 Lisa Hinkle and any unknown persons who had failed to plead, answer, or otherwise
22 submit a claim to the defendant real property. On September 30, 2003, the Clerk of the
23 Court entered the Order of Default against Ms. Hinkle and any unknown persons who
24 failed to file a claim.

25 On or about October 14, 2003, Lisa Hinkle, through attorney Rodney DeGeorge,
26 filed a Statement of Interest or Right and Answer and Notice of Affirmative Defenses.
27 The claim by Ms. Hinkle was not timely, and an Order of Default had already been
28 entered against Ms. Hinkle. Plaintiff, United States, filed a Motion to Strike the Statement

1 of Interest and Answer of Lisa Hinkle, a/k/a Lisa Roberts. On December 11, 2003, the
2 Court granted the motion to strike.

3 Rodney DeGeorge has a recorded interest in the defendant real property based upon
4 a deed of trust recorded on March 10, 2003, to secure a lien for attorney's fees in the
5 amount of \$50,000. Mr. DeGeorge had actual knowledge of the complaint for forfeiture
6 and the requirements for filing an opposition to the forfeiture no later than October 14,
7 2003, the date that he filed in this case a Statement of Interest (Claim) and an Answer on
8 behalf of his client Lisa Hinkle. He failed to file a claim or an answer or any other
9 pleading in this case seeking to assert his interest in the property. Based upon his actual
10 knowledge of the pending civil forfeiture action and of the government's complaint for
11 forfeiture, and his failure to file any claim, answer, or otherwise challenge the forfeiture
12 on his own behalf or take any other steps to assert his interest in the defendant real
13 property, any interest Rodney DeGeorge had in the defendant real property is hereby
14 extinguished and any interest he had in the property is hereby forfeited to the United States

15 More than thirty (30) days have elapsed since all possible claimants were served
16 with the Verified Complaint for Forfeiture and related documents. In addition, more than
17 thirty (30) days have elapsed since the last date notice of this action was published.
18 Neither a claim to the defendant real property nor an answer to the Complaint have been
19 filed by any person or entity, within the time period allowed by Supplemental Rule C(6),
20 except for claimant Florence S. Stone. On February 11, 2004 the United States of
21 America and Florence S. Stone filed a Stipulated Expedited Settlement Agreement, settling
22 the claim of Florence S. Stone. With the settlement of Florence Stone's claim, no other
23 parties contesting the forfeiture of the defendant real property remain before the Court.

24 Now, therefore on motion of the Plaintiff, United States of America, for a
25 Judgment of Forfeiture, it is hereby

26 ORDERED, ADJUDGED AND DECREED as follows:

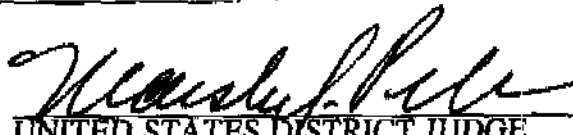
- 27 1. This Court has jurisdiction over this action under Title 28, United States
28 Code, Sections 1345, 1355, 1356, and 1395, and Title 21, United States

Code, Section 881(a)(7).


2. The defendant real property, located at 29635 11th Avenue SW, Federal Way, Washington, 98023, its buildings, improvements, appurtenances, fixtures, attachments, and easements are hereby condemned and forfeited to the United States of America and no right, title or interest in the defendant real property shall exist in any other party. The United States Marshals Service shall seize the defendant real property and dispose of it in accordance with the law.
3. The United States Marshals Service shall recover its costs from the proceeds of the sale of the property, including the costs of sale of the defendant real property and any costs incurred by the United States Marshals Service to put the property in proper condition for sale.
4. Upon the sale of the defendant real property, claimant Florence S. Stone shall be paid from the proceeds of the sale by the United States Marshals Service pursuant to the terms outlined in the Stipulated Expedited Settlement Agreement filed herein on February 11, 2004 and approved by this Court on February 12, 2004.

1 The CLERK is directed to serve a copy of this document on all parties of record and
2 three (3) "raised seal" certified copies to the United States Marshals Service.

3
4 DATED this 15 day of Feb., 2004.

5
6 
7 UNITED STATES DISTRICT JUDGE

8 Presented by:

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10 
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12 Assistant United States Attorney
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